



# BULLETIN

## Accessing Secure Extranet Applications

The Nebraska Workers' Compensation Court has implemented secure extranet applications within the State of Nebraska's (Guardian) Secure Extranet Web site. The court will provide its Electronic Data Interchange (EDI) Trading Partners with access to some of these applications to assist them in complying with their EDI reporting responsibilities.

Primarily, approved users will have access to the court's **Claims Search database** to obtain basic claims information. This information will assist EDI trading partners to file accurate subsequent reports with the court. For example, if a trading partner is preparing to electronically file a subsequent report and doesn't know the agency claim number assigned to the claim, an approved user can search the database for the first report filed on the case, which includes the agency claim number.

To become approved for access to the Claims Search database Trading Partners must meet the following criteria:

- Trading Partners must complete and submit a new **EDI Trading Partner Profile**. This

Nebraska Workers' Compensation Court  
State Capitol Building, Lincoln, NE 68509  
800-599-5155 or 402-471-6468  
<http://www.nol.org/workcomp/>



## Amendments to rules adopted

The following amendments to the Nebraska Workers' Compensation Court's Rules of Procedure were adopted at a public hearing on December 17, 2002:

1. Rule 3, *Pleadings*, was amended to change procedures for filing of discovery materials that do not require action by the court.
2. Rule 10, *Evidence*, was amended to set forth procedures for production of an original deposition when it is not in the possession of a party who intends to offer it in evidence at hearing.
3. Rule 11, *Decisions*, was amended to change the title, and to define the official version of findings, orders, awards or judgments of the court.
4. Rule 28, *Corporate Executive Officer Waiver*, was repealed effective January 1, 2003.
5. Rule 30, *Subsequent Report*, was amended to provide that any portion of a full salary payment which was intended to apply to workers' compensation benefits shall be reported in accordance with Rule 30.
6. Rule 40, *Vocational Rehabilitation—Certification of Counselors*, was amended to change the title, and to clarify credentials and documentation required for certification as a vocational rehabilitation counselor.
7. Rule 41, *Vocational Rehabilitation—Certification of Job Placement Specialists*, was amended to change the title, to incorporate a provision from Rule 39 relating to vocational rehabilitation counselors or job placement specialists employed by a state agency, and to clarify credentials and documentation required for certification as a job placement specialist.
8. Rule 46, *Settlement Agreements*, was amended to provide that in settlement agreements, credit will be allowed only for that portion of any full salary payment which was intended to apply to workers' compensation benefits.

# Notice regarding executive officer coverage changes

**E**ffective January 1, 2003, corporate officers who own 25 percent or more of the common stock

of the corporation are no longer considered employees of the corporation for workers' compensation purposes,

unless they elect to come under the Nebraska Workers' Compensation Act. This change to section 48-115 of the Act can be found in LB 417, passed during the 2002 legislative session.

## Amendments to rules adopted

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9. Rule 47, *Lump Sum Settlement*, was amended to provide that in lump sum settlements the U.S. Life Table, 1999, rather than 1997, shall be the minimum life expectancy table used, to substitute an amended Addendum 2, *U.S. Life Table: 1999*, to require that if an application provides for payment of future medical expenses there must be a statement that disputed expenses may be submitted to a judge of the court for a determination, and to provide that credit will be allowed only for that portion of any full salary payment which was intended to apply to workers' compensation benefits.
10. Rule 63, *Independent Medical Examiners—Selection*, was amended to provide that if an independent medical examiner has submitted a written report on the issues raised, no party may request court assignment of another independent medical examiner on the same issues.
11. Rule 64, *Independent Medical Examiners—Procedures Before The Independent Medical Examiner*, was amended to provide that a request for clarification of an independent medical examiner's findings will be permitted only with approval of a medical services specialist of the court, to provide that a request for clarification will not be permitted if it is determined by the

specialist to be overly burdensome to the examiner, to provide that if the examiner has submitted a written report on the issues raised, no party may request court assignment of another independent medical examiner on the same issues, and to replace a reference to "health care provider" with "physician."

12. Rule 72, *Self-Insurance—Requirements For Approval*, was amended to strike the modifier "anticipated" with reference to claim administration procedures, and to eliminate a reference to inapplicable statutory provisions.
13. Rule 73, *Self-Insurance—Security*, was amended to provide that an employer whose approval to self-insure has been terminated for at least two years may submit a written request to the court to reduce the amount of security, and to provide that such request may be approved at the court's discretion.
14. Rule 74, *Self-Insurance—Excess Insurance*, was amended to eliminate references to the excess insurance policy as a single policy and replace with the plural to contemplate multiple policies for purposes of satisfying coverage requirements.
15. Addendum 5, *Delinquency Tables*, was deleted. ❖

This means that such officers are *not* covered by a workers' compensation policy absent such an election. Elections are to be filed in writing with the insurer and the corporate secretary (not with the court). In contrast, the previous law provided that such officers *were* employees of the corporation, but could waive coverage by filing a written waiver with the court and the corporate secretary. Unfortunately, LB 417 was silent as to whether the new law applies to workers' compensation policies with an effective date *before January 1, 2003, but continuing in effect beyond that date*.

Therefore, if a corporation's current workers' compensation insurance policy became effective on or after January 1, 2003, then any waiver filed will likely have no legal effect. This is also true if no workers' compensation insurance coverage was in place as of January 1, 2003. However, if a corporation has a workers' compensation policy that became effective *before January 1, 2003*, any waiver filed may serve as evidence of the corporate officer's intention to waive coverage under that policy.

Questions about the new law can be directed to the corporation's insurance representative or the court's Coverage and Claims section. Also, the insurance representative should be informed if officers wish to be covered under their corporation's workers' compensation policy in the future. ❖

**Nebraska Workers' Compensation Court****Order Form****(No Charge Items)****Ship To:**

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Company Name \_\_\_\_\_

Address \_\_\_\_\_

(City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip Code) \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_

Nebraska Workers' Compensation Court

P. O. Box 98908

Lincoln, NE 68509-8908

Phone: 402-471-6468 or 800-599-5155

FAX: 402-471-2700

Web site: <http://www.nol.org/workcomp/>**OFFICE USE ONLY**

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# SGL	# PKG	Form Number/Item Name	# SGL	#PKG	Form Number/Item Name
		Form 1—First Report of Injury/Illness (Rev. 03/02)			Form 4—Subsequent Report (Rev. 03/02)
		Form 12—Insurance Coverage (Rev. 6/95)			

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	(25)	Rights & Obligations (Spanish 2/03)
	(50)	Choosing a Doctor for a Work-Related Injury (English 11/99)
	(50)	Choosing a Doctor for a Work-Related Injury (Spanish 11/99)
	(25)	Vocational Rehabilitation Services under Workers' Compensation (English 2/01)
	(25)	Vocational Rehabilitation Services under Workers' Compensation (Spanish 2/01)
	(50)	Informal Dispute Resolution and Mediation (English 1/00)

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Quantity	Form Number/Item Name	Quantity	Form Number/Item Name
	Form 63-1—Request for Independent Medical Examiner (7/97)		Form 50—Choice of Doctor (English 1/97)
	Form 67-2—Notice of Agreement to use a Named Independent Medical Examiner (7/97)		Form 50—Choice of Doctor (Spanish 8/97)
	Form 10T—Termination of Corporate Officer Waiver (Rev. 12/96)		

**Note:** Requests for large orders may require additional time for printing and may be subject to cost.**Turn this page over for additional publications**

**Nebraska Workers' Compensation Court****Order Form****(Fee Items)****Ship To:**

Name \_\_\_\_\_

Company Name \_\_\_\_\_

Address \_\_\_\_\_

(City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip Code) \_\_\_\_\_

Phone (\_\_\_\_) \_\_\_\_\_

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Quantity	Form Number/Item Name	Unit Cost	Total
	Form 10W—Corporate Executive Officer Waiver (Rev. 01)	\$1.00	
	Law Book (Includes 2001 Legislative Revisions) <b>To order, contact LexisNexis at 1-800-562-1197.</b>		
	Rule Book (Rev. 12/02)	\$7.00	
	Annual Report (FY 02)	\$5.00	
	Schedule of Medical & Hospital Fees (June 15, 2002) <b>To order, contact Ingenix, Inc. at 1-800-765-6023. Please request item number 3981 (book only) or 3982 (book and ASCII).</b>		
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**All orders must be prepaid before shipping — either by check or money order**

Service and handling charges are included in the listed cost of each item. Forms may be picked up at the court's location, 13<sup>th</sup> Floor, State Capitol. Please call ahead to be sure your order is ready (if paying with cash, the correct amount is required). Order forms and other information may also be downloaded from the Nebraska Workers' Compensation Court's internet Web site: <http://www.nol.org/workcomp/>. For further information, or if your order is not received within three weeks, please contact the court's information line at either **402-471-6468** or **800-599-5155**.

**Turn this page over for additional publications**

## Electronic Data Interchange Update

**F**orty-three of the court's 141 electronic data interchange (EDI) trading partners file their subsequent report information electronically, accounting for 69.8 percent of all such reports filed in March 2003.

The court will continue the scheduling of EDI Subsequent Report implementations throughout the spring and summer. In the fall, consideration will be given to amend Rule 30 to require electronic filing of subsequent reports beginning no later than July 1, 2004, unless an alternative implementation plan has been submitted and approved. As the court continues to expand electronic subsequent reporting with its trading partners, the following issues need to be addressed.

### *Paper subsequent reports*

Trading partners who have not yet implemented EDI continue to submit the paper Subsequent Report (Form 4) with missing indemnity payment information, espe-

cially on lump sum settlements. However, electronic EDI subsequent reports are rejected when indemnity information (such as start date, end date, weeks paid, days paid, compensation rate and total benefit amount paid) is missing.

Effective immediately, the court will apply the same data requirements to subsequent reports submitted on paper as to those submitted electronically. When information is missing on a paper subsequent report, it will be returned to the sender to be corrected and resubmitted. This new requirement will make the transition to electronic report submission easier for trading partners as the court finishes scheduling certification testing for them. The paper Subsequent Report (Form 4) was modified on July 1, 2001 to mirror the data present in the IAIABC EDI transaction to ease in migration from paper to EDI.

Additionally, the court requires that paper subsequent reports filed by attorneys or claim administrators must indicate one date of in-

jury and cannot list multiple dates of injury. This is a current requirement for electronically filed Subsequent Reports. An attorney-filed subsequent report should match what is shown in the claim administrator's information system. Therefore, if a settlement application includes (and settles) more than one date of injury, then the attorney or claim administrator will have to assign the settlement amount to one date of injury or to allocate the settlement amount among the various dates of injury.

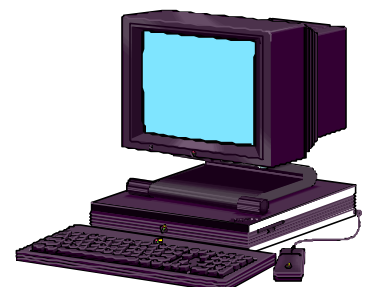
### *Invalid names & FEINs*

The court is continuing to receive incorrect FEINs and names for the insurer, self-insured employer and Third Party Administrator names. The names must be that entity's full legal business name. Do not use abbreviations or initials.

Also, do not abbreviate the employer's name. Employer names must be that entity's full legal business name.

### *EDI Advisory Amendment & SROI Implementation Guide*

Please refer to our Web site's EDI page (<http://www.nol.org/workcomp/edi/edi.htm>) to review the latest EDI Advisory Amendment and the most recent version of the Subsequent Report of Injury Implementation Guide; both dated April 1, 2003. ❖



## Accessing Secure Extranet Applications

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form may be completed and submitted from the court's Web site (<http://www.nol.org/workcomp/forms/editpp.phtml>).

- Trading Partners must complete and submit a **Guardian User Profile**. This form may be completed and submitted from the court's Web site (<http://www.nol.org/workcomp/forms/guardian.phtml>).

Once the court receives and verifies this information, authorization will be granted for assigned users. One of the court's Extranet (Guardian) Security Agency Administrators will then contact the trading partner business contact via email with assigned user identification numbers. A second email provides a temporary user password and instructions. ❖

# National Census of Fatal Occupational Injuries in 2001

**A** total of 8,786 fatal work injuries were reported in 2001, including fatalities related to the September 11 terrorist attacks, according to the Census of Fatal Occupational Injuries, Bureau of Labor Statistics, U.S. Department of Labor.

A total of 2,886 work-related fatalities resulted from the events of September 11. Excluding these fatalities, the overall workplace fatality count was 5,900 for 2001.

## Profile of the fatal work injuries resulting from the September 11 attacks

Most of the more than 3,000 people killed were at work (as defined by the fatality census) in the World Trade Center or the Pentagon, were on business travel or were crew aboard the commercial airliners that crashed in Pennsylvania, New York City, and Virginia, or were involved in rescue duties. The events of that day killed 2,886 workers from a wide range of backgrounds — janitors to managers, native and foreign-born workers, and the young and the old.

Seventy-eight percent of the 2,198 non-rescue workers killed in the World Trade Center were working in the finance, insurance, and real estate industry. All of the 412 fatally injured rescue workers were killed at the World Trade Center; 99 percent worked for state and local government. Of the 125 workers killed at the Pentagon, 91 percent were civilian or military federal government employees. Of the 151 workers who were killed on the planes that crashed in Pennsylvania, Virginia, and New York City, 39 percent were employed in the services industry.

Of the rescue workers fatally injured, 335 were firefighters and 61 were police or detectives. Fifty percent of the other workers fatally in-

jured in the World Trade Center were employed as managerial or professional specialty workers. Forty-three percent of the workers fatally injured at the Pentagon were working in military occupations and slightly less than half, 47 percent, were working in civilian managerial and professional specialty occupations.

Twenty-five of the workers killed on the passenger airliners were flight attendants, eight were pilots. The majority of the workers killed on the airliners, 69 percent, were in managerial and professional specialty occupations.

Of the fatally injured workers in the World Trade Center, 66 percent were between the ages of 25 and 44, 9 percent were black, 10 percent were Hispanic, and 26 percent were women. Of those working in the Pentagon office building, 54 percent were between the ages of 25 and 44, 33 percent were black, 4 percent were Hispanic, and 37 percent were women. Of the workers involved in the rescue efforts, 70 percent were between the ages of 25 and 44. Ninety-nine percent were male. Of the workers on the passenger airliners 62 percent were men, 7 percent were black, and 5 percent were Hispanic.

Overall, two-thirds of the workers fatally injured on September 11 were more than 34 years old and 23 percent were women. Almost 20 percent of the workers were foreign-born.

## Profile of the fatal work injuries of 2001 (excluding fatalities resulting from the September 11 attacks)

Excluding the fatalities on September 11, the overall workplace fatality count of 5,900 for 2001 was down slightly, less than 1 percent from 2000. Total employment also declined slightly in 2001. As a result,

the occupational fatality rate was same in 2001 as in 2000, 4.3 fatalities per 100,000 employed.

The construction industry, with fatalities at their highest level since the fatality census was first conducted in 1992, continued to report the largest number of fatal work injuries of any industry. From 2000 to 2001, decreases in fatalities from transportation incidents and job-related homicides were offset by increases in fatalities from falls and from electrocutions.

Fatalities resulting from transportation incidents decreased for the third year in a row, from 2,573 in 2000 to 2,517 in 2001. Highway incidents, however, increased about 3 percent from 2000 and continued to be the leading cause of on-the-job fatalities. Fatal work injuries resulting from workers being struck by vehicles or mobile equipment also increased slightly in 2001. In contrast, the number of workers killed in non-highway incidents, aircraft incidents, and railway incidents decreased. Non-highway fatal incidents, which include tractor and forklift overturns, were at their lowest levels since the census began in 1992.

Work-related homicides, at 639, fell to their lowest levels since the census began; the record high was 1,080 in 1994. Homicides among technical, sales, and administrative support workers decreased 14 percent to 203 fatalities. However, homicides increased sharply among workers in service occupations, which include police and detectives, food preparation workers, barbers, and hairdressers. The number of workplace suicides and fatal assaults by animals increased slightly.

Fatalities resulting from falls increased to 808 in 2001, a 10 percent rise over 2000 levels. This was the

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highest total since the fatality census began in 1992. Falls to lower levels increased by 39 to 698 in 2001. Falls on the same level increased by 28 to a 10-year high of 84 in 2001.

Fatal falls in the construction industry increased 13 percent from 2000 levels and accounted for more than half of all fatal falls. Worker deaths resulting from electrocutions and from fires and explosions increased to levels of the late 1990s after falling to a near 10-year low in 2000.

While fatalities in the construction industry increased 6 percent in 2001 to a record high, fatalities in manufacturing decreased 10 percent from 2000 to their lowest recorded level since the census began in 1992. Other industries showing decreases in work-related fatalities were transportation and public utilities; wholesale trade; and retail trade. The decrease in retail trade fatalities was largely a result of the decline in workplace homicides. Fatalities to workers in services remained relatively unchanged, while fatalities in agriculture, forestry and fishing; finance, insurance, and real estate; and mining increased. Fatalities in government increased 10 percent from 2000.

Occupational fatality rates in 2001 were highest in the mining; agriculture, forestry and fishing; construction; and transportation industries. The fatality rate for the mining industry, which includes oil and gas extraction, remained at 30.0 fatal work injuries per 100,000 workers for the second year in a row, the highest fatality rate. The agriculture, forestry and fishing industry had the second highest rate, at 22.8 fatalities per 100,000 employed. The private sector construction industry reported 13.3 fatalities per 100,000 employed and the transportation industry reported 11.2 fatalities per 100,000 employed.

Operators, fabricators, and laborers again recorded the largest number of fatal work injuries of any occu-

pational group, accounting for more than one out of every three fatalities in 2001. However, the number of fatalities in this occupational group dropped 4 percent for the second year in a row. Most of this decrease resulted from fewer fatalities among motor vehicle operators, particularly truck drivers. Also, there were fewer fatalities among material-moving equipment operators, machine operators, and workers in railroad and water transportation. Fatalities among handlers, equipment cleaners, helpers, and laborers increased, mainly due to an increase in fatalities to construction laborers. In contrast, fatalities to non-construction laborers decreased.

Service occupations showed an increase of 18 percent in fatalities, the highest percentage increase among the major occupation categories. Within this occupation group, police and detectives (including supervisors) had the highest number of fatalities. Fatalities in personal service occupations increased from 37 in 2000 to 59 in 2001. Precision production, craft, and repair occupations showed a small increase in the number of fatalities (3 percent). However, within this occupation group, fatalities in the extractive occupations (drillers and mining machine operators) increased from a low of 47 in 1999 to match its 10-year high of 97 fatalities in 1993.

While fatalities to truck drivers declined by 6 percent, they continued to incur more workplace fatalities than any other individual occupation. Truck drivers reported a rate of 25.3 workplace fatalities per 100,000 employed. Farm occupations had the second highest number of fatalities with 499 and rate of 27.9 fatalities, which increased from the previous year. Other occupations that typically have large numbers of worker fatalities, but showed decreasing fatalities in 2001, included timber cutters, grounds-keepers, gardeners, and aircraft pilots.

Fatalities to workers in military occupations increased more than 25 percent from 87 in 2000 to 110 in 2001. Almost half of these fatalities resulted from aircraft crashes. The occupational fatality rate for military occupations increased in 2001 to 9.3 fatalities per 100,000 employed.

Fatal injuries to Hispanic or Latino workers were up 9 percent, from 815 in 2000 to 891 in 2001. This resulted from a rise in Hispanic worker fatalities in the services and agriculture industries, rather than in construction as in prior years. Fatalities to white (non-Hispanic) workers fell for the sixth year in a row; fatalities among black (non-Hispanic) workers fell for the second year in a row. Fatal work injuries to men were down slightly, although fatalities to women increased by 5 percent over 2000. The number of occupational fatalities to workers aged 17 years and younger decreased to 53 in 2001 from 73 in 2000. In 2001, fatalities to the self-employed were down by 5 percent to their lowest level recorded since 1992.

On average, about 16 workers were fatally injured each day during 2001. The total number of multiple fatality incidents (incidents that resulted in two or more worker deaths) decreased from 214 in 2000 to 197 in 2001. However, the total number of job-related deaths in multiple fatality incidents increased from 531 in 2000 to 563 in 2001.

Twenty-six states and the District of Columbia reported fewer fatal work injuries in 2001 than in 2000. The number of work injuries also declined in two of the four census regions in 2001.

To see how Nebraska fared in the 2001 Census of Fatal Occupational Injuries, please refer to the "About the Court" page of the Nebraska Workers' Compensation Court's Web site (<http://www.nol.org/workcomp/about/about.htm>). ❖

## Maximum workers' comp. income benefit increases; mileage reimbursement rate decreases

**E**ffective January 1, 2003, the **maximum weekly income benefit** under the Nebraska Workers' Compensation Act increased to \$542.00. This amount applies to work-related injuries and illnesses occurring on or after January 1, 2003. This amount equals 100 percent of the state average weekly wage as determined by the Nebraska Workers' Compensation Court. The maximum is set according to a statutory formula.

The previous maximum weekly income benefit levels will continue to apply to work-related injuries and illnesses occurring during their effective dates. The minimum weekly income benefit remains at \$49.00.

Effective January 1, 2003, the **mileage reimbursement rate** became 36¢ per mile for travel to seek medical treatment or while participating in a vocational rehabilitation plan. This conforms to the reimbursement

rate paid to State of Nebraska employees.

For more information, please call the court's toll-free information line at 800-599-5155 or 402-471-6468, or visit the court's website (<http://www.nol.org/workcomp/>). ❖

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## Electronic record request form available on the court Web site

**A** new electronic record request form is available on the Publications/Forms page of the Nebraska Workers' Compensation Court Web site (<http://www.nol.org/workcomp/pubs/pubs.htm>). To request work-

ers' compensation records, simply complete the required form fields, then click the "submit" button. Your record request will be processed, in most cases, within four business days. ❖

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Bulletin



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